

# INTERNATIONAL SEARCH REPORT

PCT/GB2005/000603

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 G06F9/44

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 G06F G06T

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 694 561 A (MALAMUD ET AL) 2 December 1997 (1997-12-02) column 6, lines 36-48 column 16, lines 1-24	1-18
A	US 2002/109718 A1 (MANSOUR PETER M ET AL) 15 August 2002 (2002-08-15) abstract paragraph '0126! paragraphs '0021! - '0024! paragraph '0162!	17

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

### ° Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

24 August 2005

Date of mailing of the international search report

01/09/2005

Name and mailing address of the ISA

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Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5694561	A	02-12-1997	NONE	
US 2002109718	A1	15-08-2002	WO 02065273 A2	22-08-2002

# PATENT COOPERATION TREATY

REC'D 3 0 AUG 2005

WIPO

PCT

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/GB2005/000603

International filing date (day/month/year)  
21.02.2005

Priority date (day/month/year)  
19.02.2004

International Patent Classification (IPC) or both national classification and IPC  
G06F9/44

Applicant  
QUALCOMM CAMBRIDGE LIMITED

#### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

#### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

#### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2005/000603

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. II Priority**

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1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43**bis**.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43**bis**.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2005/000603

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**Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	2-8,10-17
	No: Claims	1,9,18
Inventive step (IS)	Yes: Claims	
	No: Claims	1-18
Industrial applicability (IA)	Yes: Claims	1-18
	No: Claims	

2. Citations and explanations

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**Re Item V.**

- 1 Reference is made to the following document:  
D1 : US 5 694 561 A (MALAMUD ET AL) (1997-12-02)  
D2: US 2002/109718 A1 (MANSOUR PETER M ET AL) (2002-08-15)

**2 INDEPENDENT CLAIM 1**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):  
*A method of generating a user interface for a device, the method comprising the steps of:*

- a: generating a plurality of sets of user interface elements (D1, col 6, lines 36-48, "project group folders can be created") , each of the plurality of sets of user interface elements (D1, col 6, lines 36-48, "project group"), comprising one or more user interface elements (D1, col 6, lines 36-48, "group of windows"), wherein [the or] each user interface element is associated with a defined region of the user interface (D1, implicit, col 6, line 36-48, "windows", user interface elements, in particular windows are always associated with a defined region);*
- b: ordering each of the plurality of sets of user interface elements into a[n] sequence (D1, col 16, line 1-24, "maintaining the relative z-order positions of the project group windows both to each other and to the other windows displayed");*
- c: querying each of the plurality of sets of user interface elements to select the plurality of user interface elements for use in the user interface, the sets being queried in accordance with the ordering performed in step b (D1, implicit, col 16, lines 1-24, "the z-order is used by the windows system to determine the order in which windows should be drawn on the display", Hence querying must take place), wherein if more than one user interface element is associated with the same region of the user interface then the selected user interface element is taken from the set of elements which occurs first within the sequence determined in step b. (D1, col 16, lines 1-24, "accurately reflect which windows obscure parts of other windows"); and*
- d: rendering the user interface in accordance with the plurality of sets of user interface elements selected in step c (D1, col 16, lines 1-24, "the z-order is used by*

the windows system to determine the order in which windows should be drawn on the display").

### 3 DEPENDENT CLAIMS 2-8

- 3.01 The additional subject-matter of dependent claim 2 does not meet the criteria of Article 33(1) PCT, because the subject matter of dependent claim 2 does not involve an inventive step in the sense of Article 33(3) PCT as D1 further discloses:  
*wherein a first user interface element is selected in step c and rendered in step d. can be removed from the rendered interface by*  
*i. inserting a further user interface element into a set of user interface elements (D1, col 7, lines 25-42, "adding an icon or a window to an already existing project") such that in step b. the set of user interface elements that comprises the further user interface element is ordered before the set of user interface elements the comprises the first user interface element (D1, implicit in windows, the set of UI elements with the focus is ordered on top);*

The subject-matter of claim 2 differs from D1 in that claim 2 further defines:

*ii. wherein the further user interface element is associated with the same user interface region as the first user interface element.*

Whereas D1 discloses: wherein the further user interface may partially or totally cover the region of the first interface element (D1, implicit, GUI & windows).

However a newly inserted (visible) GUI element has to be positioned somewhere in the user interface. It is a choice of design obvious to the person skilled in the art to place the further GUI element at a particular position, covering the first user interface element.

- 3.02 The additional subject-matter of dependent claim 3 does not involve an inventive step in the sense of Article 33(3) PCT for reasons already put forward with respect to the subject-matter of claim 2. In particular is one element also a set (singleton). Moreover the person skilled in the art would not disregard manipulating multiple elements e.g. sets when working with sets.

3.03 The subject-matter of dependent claims 4 and 5 do not involve an inventive step in the sense of Article 33(3) PCT. The insertion and/or deletion of multiple elements from a set of elements is obvious to the person skilled in the art.

3.04 The subject-matter of dependent claim 6 does not involve an inventive step as D1 further discloses:  
*wherein on or more of the plurality of sets of user interface elements are associated with an application that can be activated through the user interface* (D1, col 1, lines 10-23)(Article 33(3) PCT)

3.05 Due to the objections made under Article 6 PCT (see below, Item VIII) full assessment of the subject-matter of claims 7 and 8 is not possible, however said claims do not appear to contain any inventive subject-matter for lack of technical effect of the additional subject-matter (Article 33(3) PCT).

#### 4 INDEPENDENT CLAIM 9

The subject-matter of claim 9 is not new in the sense of Article 33(2) PCT. The objections made to method claim 1 apply mutatis mutandis to the subject-matter of corresponding system claim 9.

#### 5 INDEPENDENT CLAIM 18

The subject-matter of claim 18 is not new in the sense of Article 33(2) PCT as D1 discloses: *A data carrier comprising executable code for performing the method of any of claims 1 to 8* (D1, col 26, claim 47, "a computer readable memory medium containing instructions..."). The objections made to method claim 1 apply mutatis mutandis to corresponding data carrier claim 18.

#### 6 DEPENDENT CLAIMS 10-17

6.01 Dependent claims 10-16 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT). The objections made to method claims



2-8 apply mutatis mutandis to the subject-matter of corresponding system claims 10-16.

6.02 The subject-matter of claim 17 does not involve an inventive step. The features of claim 17 are a juxtaposition of features. The combination of features does not achieve a technical effect different from, e.g. that goes beyond the sum of the technical effects of the individual features. The use of a graphical user interface in a wireless communication network is known from prior art, see for example document D2 and the passages cited in the search report. The person skilled in the would routinely apply the device of claims 9-16 in said wireless communication network (Article 33(3) PCT).

**Re Item VIII.**

- 7 The phrase *sets of user interface elements ... associated with the manufacturer / user of the device* in claims 7, 8, 15-17 is not clear in that it fails to define the technical features necessary for achieving the *association* (Article 6 PCT).